

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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D.G. SWEIGERT,

Plaintiff,

23-CV-05875 (JGK) (VF)

-against-

ORDER

JASON GOODMAN et al.,

Defendants.

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VALERIE FIGUEREDO, United States Magistrate Judge

On October 11, 2024, Judge Koeltl granted Defendant’s motion to dismiss Plaintiff’s Lanham Act and Federal Trade Commission Act claims, and denied Defendant’s motion to dismiss Plaintiff’s claims pursuant to New York Civil Rights Law (“NYCRL”) Sections 50 and 51. See ECF No. 169. NYCRL Sections 50 and 51 create a statutory right of privacy and prohibits the unauthorized “use of a plaintiff’s name, portrait, picture, or voice . . . for advertising purposes or for the purposes of trade without consent” within New York. Hoepker v. Kruger, 200 F. Supp. 2d 340, 348 (S.D.N.Y. 2002). Because Plaintiff’s claims brought under the NYCRL Sections 50 and 51 survived the motion to dismiss, Plaintiff is entitled to discovery on those claims, and Defendant is entitled to discovery to support his defenses of those claims.

Based on the parties’ representations at the December 18, 2024 conference concerning the discovery each party plans to request in this matter, the Court hereby orders the following discovery schedule:

- The parties are directed to exchange initial written discovery requests by **January 18, 2025**.
- The deadline to complete all discovery, including any depositions, is **May 18, 2025**.

The parties may write to the Court to request a settlement conference at any time they believe that such a discussion would be fruitful. The Clerk of Court is respectfully directed to terminate the motion at ECF No. 177.

SO ORDERED.

DATED: New York, New York
December 18, 2024



VALERIE FIGUEREDO
United States Magistrate Judge